

Message Text

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ACTION EUR-12

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USMISSION USBERLIN
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C O N F I D E N T I A L BONN 14649

E.O. 11652: GDS
TAGS: PGOV AKB BQG
SUBJECT: HAMBURG-BERLIN AUTOBAHN AND TELTOW CANAL:
LEGAL ASPECTS

REFS: (A) STATE 19440 AND PREVIOUS;
(B) USBER 1820 (NOTAL); (C) BONN 13343

1. AT THE AUGUST 9 BONN GROUP MEETING, THE UK LEGAL ADVISER (EATON) REPORTED THE FCO'S VIEW ON THE FRG PROPOSAL FOR UNILATERAL UNCONTESTED STATEMENTS TO BRING THE TELTOW CANAL UNDER THE TRANSIT AND TRAFFIC (TTA) REGIME. HE SAID THIS CAUSES NO DIFFICULTY FOR THE FCO AND THAT THE VIEW THERE IS THAT THE GDR DECLARATION WOULD HAVE A "PRECLUSIVE EFFECT" TO ESTOP THE GDR FROM DENYING THAT THE TELTOW CANAL IS COVERED BY THE TTA.

2. FRG REP (VON BRAUNMUEHL) SAID THAT THE SENAT BELIEVES THE FRG SHOULD SEEK TO OBTAIN FULL COVERAGE OF THE TTA
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FOR THE CANAL. HOWEVER, THE FRG IS NOT OPTIMISTIC THAT THIS CAN BE DONE.

3. THE FRENCH REP (RICHARD) SAID THAT THE ALLIES HAVE TO ENSURE THAT, IN ANY MANDATE, THE ALLIED RIGHTS OVER WATERWAYS IN BERLIN ARE PROTECTED. IN ADDITION, THE QUAI'S PRELIMINARY VIEW IS THAT THE TTA SHOULD APPLY IN

FULL TO THE TELTOW CANAL.

4. THE US REP SUGGESTED THAT THE TELTOW CANAL IS SUCH A PECULIARLY BERLIN PROBLEM THAT IT SHOULD BE FULLY DISCUSSED IN BERLIN AT SENATE REQUEST BY THE MISSIONS THERE. HE NOTED THAT

THIS IS SOMEWHAT DIFFICULT AT THE PRESENT TIME SINCE THE FRG AND SENAT DO NOT APPEAR TO HAVE A UNIFIED VIEW AS TO WHAT THE DESIRED APPROACH WILL BE.

RICHARD, WHO WAS INVOLVED IN THE QUESTION IN BERLIN 1975, SAID THAT THE MATTER WAS EXHAUSTIVELY DISCUSSED AT THAT TIME. THE US REP AGREED THAT THIS WAS THE CASE, BUT SAID THAT NEW PEOPLE, WHO WERE NOT INVOLVED WITH THOSE NEGOTIATIONS, ARE NOW PRESENT AND THAT THEY SHOULD BE GIVEN AN OPPORTUNITY TO EDUCATE THEMSELVES ON THE SUBJECT AND TO REVIEW IT IN THE LIGHT OF PRESENT CIRCUMSTANCES.

5. ON THE QUESTION OF THE NORTHERN AUTOBAHN, EATON SAID THAT THE FCO'S VIEW IS THAT THE NEW ROUTE SHOULD BE "CLEARLY" DESIGNATED AS BEING UNDER THE TTA. IT WILL BE PREFERABLE IF THIS COULD BE DONE BILATERALLY BY THE FRG AND GDR BUT WOULD BE ACCEPTABLE IF ONLY UNILATERAL STATEMENTS ARE POSSIBLE. HE SAID THE FCO'S VIEW IS THAT AN APPROACH TO THE SOVIETS IS NOT NECESSARY AND RECALLED THAT THE PROTOCOL MINUTE, WHICH REFERRED TO THE ROUTES TO BE COVERED BY THE TTA AND WHICH WAS PREPARED IN CONFIDENTIAL

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CONNECTION WITH THE TTA NEGOTIATIONS IN 1972, WAS NOT COMMUNICATED TO THE ALLIES AND WAS THEREFORE NOT INCLUDED UNDER THE FINAL QUADRIpartite PROTOCOL.

6. COMMENT: VON BRAUNMUEHL INFORMED US LATE ON AUGUST 10 THAT MEICHSNER OF THE BERLIN REPRESENTATION HERE BELIEVES IT WOULD BE BETTER FOR THE SENAT TO DELAY TALKING TO THE ALLIED MISSIONS IN DEPTH UNTIL IT IS DETERMINED WHAT GAUS IS ABLE TO ACHIEVE WITH THE GDR REGARDING THE FRG RESPONSIBILITY FOR NEGOTIATIONS ON THE TELTOW CANAL. VON BRAUNMUEHL SAID THAT THE FOREIGN OFFICE AGREED WITH THIS. HOWEVER, THEY ARE CONSCIOUS OF THE FACT THAT IF THE DISCUSSIONS WITH THE ALLIED MISSIONS ARE DELAYED UNTIL GAUS CONCLUDES HIS NEGOTIATIONS WITH THE GDR, IT MIGHT RESULT IN FURTHER DELAY WHILE THE ALLIED MISSIONS CONSIDER THE MATTER.

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